



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3651

In re

Patent Application of

Eric L. Kuhne, et. al.

Application No. 10/623,144

Filed: July 18, 2003

Confirmation No. 5196

"PRODUCT TRANSFER SYSTEM AND  
METHOD"

**COPY**

I, Mary A. Hietpas, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Mary A. Hietpas  
Signature

November 10, 2003  
Date of Signature

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request acceptance of the above-identified application without the participation of Brian Erdmann, a joint inventor, under 37 C.F.R. § 1.47(a).

Applicants are submitting the following in support of this Petition:

- 1) Declaration of Billie Jean Smith setting forth pertinent facts required under 37 C.F.R. § 1.47(a); and
- 2) The required fee under 37 C.F.R. § 1.47(a) and 37 C.F.R. § 1.17 (h).

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the required fee.

Respectfully submitted,

Billie Jean Smith  
Reg. No. 36,940

Docket No. 077077-9144-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560



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Mary A. Hietpas

Signature

November 10, 2003

Date of Signature

**DECLARATION OF BILLIE JEAN SMITH**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Billie Jean Smith, hereby declare that:

1. Quad/Tech, Inc., is a Wisconsin corporation with its principal place of business located at N64 W23110 Main Street, Sussex, WI 53089, United States of America. Quad/Tech is a wholly owned subsidiary of Quad/Graphics, Inc. of Sussex, Wisconsin. The invention disclosed and claimed in the above-identified application relates to the business of Quad/Tech, Inc. and Quad/Graphics, Inc.

2. Quad/Tech, Inc. is the owner of rights in the above-identified patent application, filed herewith, by virtue of 1) an assignment executed by joint inventors Eric L. Kuhne and David T. Quadracci on September 24, 2003 and October 6, 2003, respectively; and 2) an employment agreement executed by joint inventor Brian Erdmann on August 15, 1998.

3. Mr. Erdmann was employed by Quad/Graphics, Inc. at the time of the invention of the subject matter of the above-identified patent application. Mr. Erdmann ceased to be employed by Quad/Graphics, Inc. on March 15, 2002.

4. On or about February 24, 2003, Mr. Erdmann was contacted telephonically by Mr. Kuhne to discuss reviewing the above-identified patent application.

5. On February 24, 2003, Mr. Kuhne sent Mr. Erdmann an email message referencing the above described telephone conference and attaching the draft patent application along with a Declaration and Power of Attorney for Patent Application form and an Assignment form (hereafter "formal papers") for Mr. Erdmann's review.

6. By April 30, 2003, Mr. Kuhne had not heard back from Mr. Erdmann and on that date, sent another email message to Mr. Erdmann inquiring as to whether Mr. Erdmann had reviewed the draft patent application. Mr. Kuhne received no response.

7. The above-identified application was filed without formal papers on July 18, 2003.

8. On September 23, 2003, I called Mr. Erdmann's home and left a message asking him to contact me regarding the patent application.

9. On September 24, 2003, Mr. Erdmann contacted me by telephone and stated he would not review the above-identified patent application, nor sign the formal papers.

10. On September 24, 2003, I confirmed Mr. Erdmann's refusal to review the above-identified patent application and his refusal to execute the formal papers in a letter sent to his home at an address he had provided to me.

11. Mr. Erdmann's last known home address is 5203 Keyes Lake Drive, Florence, Wisconsin 54121.



Billie Jean Smith



Date

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